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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SOLOMON, GARY L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,423

Applicant(s)

MISAWA ET AL.

Examiner

Gary L Solomon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 14 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7 and 11-21 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The last limitation of the claim states “a display style of the index image of the moving image being different from that of the index image of the moving image.”

How can the same thing be different?

Appropriate Correction Required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 5, 8, 11, 12, 13, and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Torres (US 6,738,075).
6. For claims 1 and 11, Torres discloses a digital imaging device (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

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a selecting device (Figure 2, Item 200) that selects a file from a storage medium storing both files of still images and files of moving images (Column 7, Lines 33-50; Figure 2A, Item 200, Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 4A, Item 304; As indicated in Figure 3, the image shown in 304 corresponds to a frame of the still image);

a second display that displays a frame of a moving image on the image monitor when the file selected by said selecting device contains image data of the moving image, a display style of the frame of the moving image being different from that of the still image (Figure 4A; Figure 3, The bottom right corner of Figure 4A shows a still shot of a motion image.); and

a third display that displays the moving image on the image monitor if a user operates said image reproducing apparatus for moving image reproduction when the frame of the moving image is being displayed on the image monitor by said second display (Figure 13; Column 13, Lines 39-64. Torres teaches the video can be previewed and viewed. The user selects the motion video (which is indicated by the ladder image) of the second display (Figure 4A) and then moves to the video editing screen (Figure 13, Column 13, Lines 39-64) wherein the video can be previewed on the third display.).

7. For claims 4 and 12, Torres discloses a digital imaging device (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

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a selecting device (Figure 2, Item 200) that selects a file from a storage medium storing both files of still images and files of moving images (Column 7, Lines 33-50; Figure 2A, Item 200, Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.);

a first display that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 4A, Item 304; As indicated in Figure 3, the image shown in 304 corresponds to a frame of the still image);

a second display that consecutively and repeatedly displays frames of a moving image on the image monitor when the file selected by said selecting device contains image data of the moving image (Figure 14, Item 440; The preview image is viewed in Item 440. These frames of the moving image are shown in order of how they are filmed. Thus, they are consecutive. They are also shown multiple times by selecting the preview icon in Item 402. Thus they are able to be shown repeatedly.); and

a third display that displays the moving image on the image monitor if a user operates said image reproducing apparatus for moving image reproduction when the frames of the moving image are being displayed consecutively and repeatedly on the image monitor by said second display (Figure 14; Column 14, Lines 1-23; The third display as shown in Figures 15-17 is displayed if the user decides to use the movie graph (432). This controls scrolling of the video image and is only activated if a user operates the video-editing screen in that mode.).

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8. For claims 5 and 13, Torres discloses a digital imaging device (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

an index reproduction setting device (Figure 11) that selects files from a storage medium (Figure 1, Item 122) storing both files of still images and files of moving images (Figure 3) and sets index reproduction (Figure 11, Figure 4A; Column 7, Line 25 through Column 8, Line 35; Column 10:Lines 47-65) ; and

a display that constructs index images of the still images (Figure 12) and the moving images (Figure 13) of the files selected by said index reproduction setting device (Figure 11; The moving images are constructed using a the preview pane shown in Figure 4 with a ladder. The still images are shown using a square box shown in Figures 3 and 4) according to image data of the files and displays the index images on the image monitor when said index reproduction setting device sets the index reproduction (Figure 6; Column 10, Lines 54-65; Column 11, Lines 1-30; The objects are tagged with numbers and marked. The order that the objects are marked is the order that the slide show of the images will be created).

After the slide show is created, it will then be able to be viewed (Column 11, Lines 1-30)), a display style of the index image of the moving image being different from that of the index image of the moving image (Column 7, Lines 33-63; Torres teaches that there are nine different media types that are able to be viewed. One of which is a motion video and another is a still shot. The icon area (306) displays one or more graphical icons and/or text information indicating to the user what media types have been associated to the object displayed in the image area. Column 7, Lines 55-62).

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The display shown in Figure 4B illustrates how a slide show is created on the digital camera. The slide show is enabled to allow a user to arrange still shots and motion video in a sequence similar to a PowerPointTM presentation (Column 2, Lines 7-18).

The slide show created by the user allows the user to place in order how the procures will be viewed in the image reproduction display (Column 2, Lines 35-50).

In view of the previous 112-second paragraph rejection, the last limitation of the claim will be examined to read on “a display style of the index image of the moving image being different from that of the index image of the next moving image.”

Figure 8 shows that multiple images can be created with motion image and the motion images can be tagged with numbers to create a slide show of the motion images. The different numbers indexes the display index as previously addressed differently. Motion images are with different numbers have different indexes. The numbers correlate to how the motion images will be displayed during the slide show. Therefore, the display style index of the moving has a different display style index of the next moving image.

9. For claim 8, Torres discloses all the previous limitations of claim 5, further comprising:
a selecting device (Figure 2A, Item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.) that selects a still image or a moving image according to the index images of the still images (Figure 3) and moving images (Figure 3) displayed on the image monitor (Column 7, Lines 33-50; Figure 2A, Item 200, Figure 4A; The Navigational Control allows a user to navigate through the

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nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description); and

a device that displays the still image on the image monitor (Figure 4A) when the still image is selected by said selecting device and displays the moving image on the image monitor when the moving image is selected by said selecting device (Figure 4A; Column 7, Lines 33-50).

(Figure 4A represents still images and a frame of motion images. The corresponding icons are labeled in Figure 3. The images are selected by the navigation tool shown Figure 2A and is described in Column 7, lines 33-50).

In Column 7, Line 62 through Column 8, Line 4 and Figure 4A and 4B, Torres teaches the display of the still image on the image monitor when the still image is selected by said selecting device.

10. For claim 15, Torres discloses an image reproducing apparatus, comprising:

a selecting device that selects a file from a storage medium storing files of moving images

(Column 7, Lines 33-50; Figure 2A, Item 200, Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display that displays an image related to the moving image on an image monitor
(Figure 13)

a moving image reproduction setting device that sets moving image reproduction

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(Figure 13, Column 13, Lines 39-64); and

a second display that displays the moving image of the file selected by the selecting device on the image monitor when moving image reproduction is set by the moving image reproduction setting device.

(Figures 14-17; Column 14, Lines 1-36 (Scroll))

11. For claim 16, Torres discloses all the previous limitations of claim 15, wherein:

the image related to the moving image is composed of frames of the beginning part, the middle part and the end part of the moving image

(Column 13, Lines 50-60; Figure 13, Item 432 is a movie graph that shows the duration for the clip. This clip contains a beginning middle and end part.); and

the first display displays the frames together or sequentially.

(In the video editing screen, the user may change the clip by copying moving or deleting frames (Column 13, Lines 60-65) The frames are displayed as they are filmed by the digital camera sequentially.)

12. For claim 17, Torres discloses all the previous limitations of claim 15, wherein:

the storage medium stores files of still images

(Figure 1, Item 122; Column 3, lines 59-65; The digital camera takes pictures of still images and they are stored on it since they are shown is a slide show. It is inherent that they are stored in the storage medium.); and

the first display displays a still image on the image monitor when the still image is selected by the selecting device

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(Figure 17, There is a cue, scroll, and stop feature as is taught in Column 14, Lines 1-36. When the moving image is stopped, the current still frame of the motion clip is shown on the display area (440).).

13. For claim 18, Torres discloses a digital imaging device (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

a selecting device that selects a file from a storage medium storing both files of still images and files of moving images (Figure 2A, Item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 4A, Item 304; As indicated in Figure 3, the image shown in 304 corresponds to a frame of the still image);

Depending on whether the moving image or still image is selected by the cursor box as shown in Figure 4A, the image editing and slide show screen are viewed if the still shot (indicated by the box) is selected (Column 7, Line 25 through Column 8, Line 27).

a moving image reproduction setting device that sets moving image reproduction when the image related to the moving image is being displayed on the image monitor (Figure 4A; Column 7, Line 27 through Column 8, Line 27); and

If the video image (indicated by the ladder) is selected, the device will take the user to the video-editing screen, where image reproduction is viewed (Column 13, Line 40, through Column 14, Line 40).

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a second display that displays the moving image on the image monitor when the moving image reproduction is set by the moving image reproduction (Figure 14, Item 440; Column 13, Line 30 through Column 14, Line 39).

14. For claim 19, Torres discloses an image reproducing apparatus, comprising:

a selecting device that selects a file from a storage medium storing files of moving images (Figure 2A, Item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 4A; The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 39-45); and

a reproducing device that reproduces the image and the sound when the choosing device chooses the image reproduction with the sound and reproduces only the image when the choosing device chooses the image reproduction without the sound (Figure 4A; The images or video can be selected with or without sound. The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 39-45).

15. For claim 20, Torres discloses all the previous limitations of claim 19, wherein:

the storage medium stores files of images without sound (The images without the microphone icon which are shown in Figure 4A are images that are stored and reproduced without sound. Column 6, Lines 39-45 Column 7, Lines 45-60.); and

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the reproducing device reproduces the image and the sound only when the selecting device selects the image with the sound and the choosing device chooses the image reproduction with the sound (Figure 4A; The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 39-45).

16. For claim 21, Torres discloses:

a digital camera that records and reproduces images with sound and image without sound (Figure 1; Column 1, Lines 45-65; Figure 4A; The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 39-45), said digital camera comprising:

a selecting device that selects a file of an image from a storage medium storing files of the images with the sound and files of the images without the sound (Figure 2A, Item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 2A, Item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description); and

a reproducing device that reproduces the image and sound when the file selected by the selecting device contains image data of the image with the sound and the choosing device

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chooses the image reproduction with the sound and reproduces only the image when the file selected by the selecting device contains image data of the image without the sound (Figure 4A; The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 39-45).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (US 6,738,075) in view of Anderson (US 5,917,488).

Torres discloses all the limitations of claim 1. However, the Torres reference lacks explicit teaching of displaying perforations on both sides of the frame of the moving image. Although Torres does not disclose displaying perforations on both sides of the image, he does in fact disclose an indicator of film perforations on one side of the image in the image preview section. This is explicitly shown in Figure 4A. The icons are defined in Figure 3.

In an analogous art, Anderson illustrates displaying perforations on both sides of the frame of the moving image in Figure 6, Item 810; Column 8, Lines 55-58. Displaying a perforated edge on both sides of the image makes for a friendlier graphical user interface (Anderson (Column 4, lines 10-18)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to configure the method and apparatus for creating an

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interactive slide show in a digital imaging device of Torres with the teaching of double sided perforated frame of a motion video of Anderson in order to provide a more user friendly graphical user interface as suggested by Anderson in Column 8, Lines 55-58).

For claim 6, the scope of claim 6, has been analyzed and rejected with respect to claim 2 above.

Allowable Subject Matter

19. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The examiners search of the prior art did not reveal the limitation of the dependent claim limitation of claim 1, wherein said second display shakes the frame of the moving image.

20. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The examiners search of the prior art did not reveal the limitation of the dependent claim limitation of claim 5, wherein said second display shakes the frame of the moving image.

21. Claim 9 allowed.

22. Torres discloses an image reproducing apparatus, comprising:

an index reproduction setting device that selects files from a storage medium storing both files of still images and files of moving images and sets index reproduction (Figure 4A); and

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a display that constructs index images of the still images and the moving images of the files selected by said index reproduction setting device according to image data of the files and displays the index images on the image monitor when said index reproduction setting device sets the index reproduction (Figure 4B), **but fails to teach said display shaking the index image of the moving image.**

23. Claim 10 is dependent on claim 9. Thus, it is allowed.

24. Claim 14 allowed under the same reasons as claim 9.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L Solomon whose telephone number is (703)-305-4370. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on (703)-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GLS


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